Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Application by SBC Communications Inc., Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Michigan	)))))	WC Docket No. 03-16

COMMENTS OF NEW EDGE NETWORK, INC.
D/B/A NEW EDGE NETWORKS

Pursuant to the Federal Communications Commission ("FCC") Public Notice in WC Docket No. 03-16, New Edge Network, Inc. ("New Edge Networks") respectfully submits these comments regarding SBC Communications Inc., Michigan Bell Telephone Company, and Southwestern Bell Communications Services, Inc.'s ("Michigan Bell") application to provide in-region, interLATA services in Michigan. New Edge Networks is a competitive broadband provider that utilizes collocation and unbundled loops to serve end user customers. New Edge Networks is collocated in 25 of Michigan Bell's central offices in Michigan and is focused on providing broadband services to customers in second and third-tier cities in the state. New Edge Networks is limiting its initial comments in this proceeding to two issues. The first issue pertains to Michigan Bell's provisioning and billing of collocation arrangements. The second issue addresses Michigan Bell's provisioning and maintenance of unbundled loops. For the reasons outlined below, New Edge Networks believes that Michigan Bell has failed to provide interconnection services on rates, terms and conditions that are just, reasonable and nondiscriminatory as required in sections 251 and 252 of the 1996 Telecommunications Act. As such, New Edge Networks strongly recommends that the Federal Communications Commission ("Commission") deny Michigan's application for 271 relief.

With respect to Michigan Bell's provisioning of collocation arrangements, New Edge Networks asserts that Michigan Bell has imposed unnecessary costs and unduly discriminated against New Edge Networks. In order to explain New Edge Networks' position, a quick background regarding New Edge Networks' standard collocation arrangements is necessary. Basically, a typical collocation arrangement for New Edge Networks consists of 2 cageless bays, 40 amps of DC power utilizing one power cable with an A and B lead, and numerous DS0, DS1 and DS3 terminations based on forecasted demand. The power cable consists of A and B leads for redundancy purposes. If the power fails on the A lead for some reason, then the equipment automatically switches over to the B lead for power.

New Edge Networks' first issue regarding Michigan Bell's provisioning of collocation arrangements pertains to Michigan Bell's requirement that separate power cables to individual bays are necessary. There is no technical reason why this should be required. Carriers typically place a fuse panel in one bay and provide their own cables and connectivity to power equipment in their additional bays. New Edge Networks is absolutely certain that Michigan Bell is the only incumbent local exchange carrier that required New Edge Networks to install separate power cables for individual bays during the initial build out of collocation arrangements. The only time New Edge Networks has been required to install separate power cables to separate bays is when New Edge Networks augments a site to add additional bays and they are not contiguous with the original bays. Even other SBC companies, including Pacific Bell, Nevada Bell and Southwestern Bell do not require separate power cables for separate bays.

Furthermore, New Edge Networks strongly believes that Michigan Bell's separate power cabling requirements have not been applied equally to all carriers. In other words, New Edge Networks believes that all carriers have not been required to provision separate power cables for each bay. As such, New Edge Networks believes that they have been unduly discriminated against regarding Michigan Bell's provisioning of collocation arrangements.

New Edge Networks' second issue with Michigan Bell's collocation practices pertains to the billing for DC power redundancy. Specifically, Michigan Bell bills New Edge Networks for DC power on both the A and B leads associated with each power cable. With a standard request for 40 amps of DC power, this means that New Edge Networks is billed for 80 amps of DC power. Again, the purpose of the A and B leads is for redundancy, not additional power. Power is automatically restored on the B lead if power from the A lead fails for some reason. New Edge Networks will not draw more than 40 amps of DC power. When this billing practice is combined with Michigan Bell's separate power cable requirements, New Edge Networks is billed by Michigan Bell for 160 amps of DC power when it originally requested 40 amps of DC power.

Michigan Bell defends its billing practice by stating that power is billed per fused amp basis. Since both leads are connected to fuses, it is therefore proper to bill for both. What this fails to address is that New Edge Networks will never draw more than 40 amps of DC power. Thus, it should not be billed for 80 amps. New Edge Networks reviewed other interconnection agreements and the Michigan collocation tariff to see if Michigan Bell was also billing for redundant power on a fused amp basis. The agreements and the tariff state that Michigan Bell bills for DC power on a per amp basis, not per fused amp basis. However, Michigan Bell has confirmed that the application is the same and New Edge Networks would continue to be billed for redundant power under a new agreement or per the Michigan collocation tariff. New Edge Networks believes that billing for redundant power is inappropriate and points out that other incumbent local exchange carriers, including Pacific Bell, Southwestern Bell, Qwest and BellSouth, do not bill for redundant power.[1]

The financial impact to New Edge Networks is not insignificant. Currently, New Edge Networks is paying Michigan Bell approximately $1,377 per month for its standard collocation arrangement. If Michigan Bell did not require the separate power cables the

[1] Southwestern Bell has recently changed its interpretation of its agreements and collocation tariffs and started to bill, in some cases, for redundant power. New Edge Networks vehemently opposes such a change and points out that this change was not ordered by any state commission and is simply a change in a monopoly provider's interpretation of the application of a specific rate element.

monthly rate would be reduced to $919.15 per month. If the separate power cable was not required and power was billed based on the usable amount, the monthly rate for collocation would be reduced even further to $690 per month. This represents a savings of $687 per month, or approximately 50% off the current rate. Multiplied by the numbers of months in service, the savings would equal an estimated $15,114 per collocation arrangement, and $377,850 total for New Edge Networks in Michigan. While this may not sound like a substantial amount to the Commission, it represents a significant cost savings to New Edge Networks.

The second major issue that New Edge Networks will address pertains to Michigan Bell's provisioning and maintenance of unbundled loops. In particular, New Edge Networks continues to have nightmares regarding Michigan Bell's provisioning and maintenance of unbundled loops used to provision integrated digital subscriber line ("IDSL") services. New Edge Networks provides IDSL services to customers that are beyond the distance limitations of asymmetric digital subscriber line ("ADSL") or symmetric digital subscriber line ("SDSL") services, or when customers are served by digital loop carrier facilities.

New Edge Networks purchases Michigan Bell's ISDN/IDSL capable loops to deliver IDSL services to customers. Because of limitations imposed by Michigan Bell, ISDN/IDSL capable loops are not provisioned with acceptance or cooperative testing. Acceptance testing is used to make sure the customer's equipment will synchronize with New Edge Networks' central office equipment. Cooperative testing is used to isolate trouble issues once the loop has been provisioned but is experiencing service problems.

New Edge Networks' issue with Michigan Bell pertains to the fact that Michigan Bell will not provide either acceptance testing or cooperative testing on ISDN/IDSL capable loops. Michigan Bell first argued that it was a technical issue that prevented it from providing acceptance or cooperative testing on these types of loops. As an alternative, it proposed that New Edge Networks purchase a different type of unbundled loop, called the IDSL capable loop. According to Michigan Bell, this type of unbundled loop comes

with both acceptance and cooperative testing capability. Unfortunately, Michigan Bell's IDSL capable loops are not available in most of the central offices where New Edge Networks is collocated. Thus, IDSL capable loops are not a viable alternative for New Edge Networks.

New Edge Networks has proposed two solutions. First, Michigan Bell can do what Southwestern Bell does and provide to New Edge Networks cooperative testing for ISDN/IDSL capable loops. Alternatively, Michigan Bell could expand the availability of IDSL capable loops to central offices where New Edge Networks is collocated. Both of these solutions are low-cost and would not require additional capital expenditures by Michigan Bell. All it would require is the reallocation of existing equipment to markets where it is needed. Yet, Michigan Bell's position will not change. It will not provide New Edge Networks with the ability to cooperatively test ISDN/IDSL capable loops and it will not deploy the equipment necessary to make IDSL capable loops available in markets served by New Edge Networks.

In conclusion, New Edge Networks believes that Michigan Bell should not be granted 271 relief in Michigan. Michigan Bell has unduly discriminated against New Edge Networks regarding the provisioning of collocation arrangements. It has significantly increased New Edge Networks' cost for providing competitive broadband services by imposing unjust and unreasonable collocation charges. And it has refused to provide reasonable access to unbundled loops necessary for the provision of competitive broadband services. As such, Michigan Bell does not provide reasonable, just and nondiscriminatory interconnection in Michigan and its application for 271 relief should be denied by the Commission.